

**CONSTITUTION OF  
SOUTH AFRICAN NATIONAL EQUESTRIAN SCHOOLS ASSOCIATION**

**APPROVED AND ADOPTED AT SPECIAL GENERAL MEETING HELD ON  
SUNDAY 20 MAY 2018, AT CHERRY COUNTRY LODGE, KYALAMI**



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**LYNA MAY  
PRESIDENT**

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## PREAMBLE

Sport is an integral part of the culture of the people of South Africa. School sport, as a formative component of this culture is an integral part of the education process. School sport is therefore a part of the enrichment and extramural programs offered by a school and an important part of education and culture of this country, it promotes a healthy lifestyle and skills development and plays an important role in the promotion of unity, equality and the upliftment of our society. School sport is governed by the Department of Education and Department of Sport and Recreation jointly through the School Sport Policy and it applies to all schools in the Republic of South Africa governed by the *South African Schools Act* 84 of 1996. The purpose of this policy is to regulate the delivery of school sport consistently to all learners, irrespective of ability, across all schools in an age-appropriate and/or grade appropriate way, based on the principle of equity and access. The Department of Education (DBE), Department of Sport and Recreation South Africa (SRSA), government sectors, recognised implementation agencies and relevant partners delivering school sport, should adhere to this policy.

The SANESA constitution is in no way in conflict with the South African Schools Act, and policies implemented by the DBE and SRSA relating to School Sport, the SAEF Constitution and the SASCOG Constitution, and if so then the relevant SAEF, DBE and/or SRSA Constitution and/or Policy will apply, to the extent only that the SANESA is in contravention of any such Constitution and/or Policy.

The South African Equestrian Federation (SAEF), together with each of the technical committees of the SAEF, is recognised as the custodians of equestrian sport in South Africa.

**DEFINITIONS**

<b>AGM</b>	<i>means</i> Annual General Meeting
<b>DBE</b>	<i>means</i> Department of Basic Education
<b>EOI</b>	<i>means</i> Expression of Interest
<b>NACOC</b>	<i>means</i> National Coordinating Committee
<b>NF</b>	<i>means</i> National Federation
<b>SANESA NEC</b>	<i>means</i> SANESA National Executive Committee
<b>SANESA NC</b>	<i>means</i> SANESA National Council
<b>NPO</b>	<i>means</i> Non-Profit Organisation
<b>NLDTF</b>	<i>means</i> National Lottery Distribution Trust Fund
<b>SAEF</b>	<i>means</i> South African Equestrian Federation
<b>SANESA</b>	<i>means</i> <b>South African National Equestrian School Association</b>
<b>SASCOC</b>	<i>means</i> South African Sport Confederations Olympic Committee
<b>SRSA</b>	<i>means</i> Sport and Recreation South Africa

**National****Discipline**

**Association** *means* National structure governing a particular discipline eg. ERASA (Endurance)

**National Team** *means* National SCHOOL Equestrian Team

**National,****Provincial****and****Regional**

**Colours** *means* National, Provincial and Regional SCHOOL Sport Colours, unless otherwise stated.

**Dispute** shall mean anything that brings SANESA into disrepute.

## 1. NAME

- 1.1 The name of this body is “The South African National Equestrian Schools Association”, and shall be abbreviated to “SANESA”.
- 1.2 In this Constitution, the Association is referred to as “SANESA”.

## 2. EMBLEM and COLOURS

- 2.1 The colours of SANESA shall be the colours of the South African flag namely red, black, green, white, blue and yellow.
- 2.2 The emblem shall be a portrayal, as set out below.



## 2.3 Colours Awarding

- 2.3.1 The awarding of SANESA Colours, whether Regional, Provincial or National, will be under the auspices of SANESA, and shall constitute “**Schools Equestrian Colours**” (hereinafter referred to as “Colours”), whether Regional, Provincial or National, and any certificate issued under the auspices of SANESA shall only confer Colours as aforesaid, and any such certificate shall be so deemed, irrespective of what is on the face thereof. No unauthorised use of the official colours or emblem will be permitted.
- 2.3.2 All Regions and Provinces will use the emblem as supplied by SANESA together with the emblem of their respective Region or Province, and when awarding Colours certificates, adding the wording indicating their Province/Region, as approved by the Regional or Provincial Sports Council or relevant structures.
- 2.3.3 National Schools Equestrian Colours will be awarded by SANESA subject to the regulations of Regional/Provincial Sports Council, SASCO, DBE, SRSA and any other relevant regulatory bodies.
- 2.3.4 Any other Regional and/or Provincial emblems/badges must be separate to the SANESA emblem or badge and must adhere to the relevant body’s guidelines, eg. Regional/Provincial Sports Council, DBE, other relevant regulatory bodies and Sponsors.

### 3. AREA OF JURISDICTION

The area of jurisdiction of SANESA shall be the Republic of South Africa as indicated by the Provincial and Regional boundaries.

### 4. HEADQUARTERS

The headquarters of SANESA shall be in Johannesburg or as determined by the Annual General Meeting from time to time.

### 5. OFFICIAL LANGUAGE

The official language of SANESA in the case of any dispute will be English.

### 6. FINANCIAL YEAR

The financial year of SANESA shall be from 1 January to 31 December of each year with effect from 1 January 2015.

### 7. AFFILIATION

The SANESA is an Associate Member of the SAEF (*South African Equestrian Federation*), which is the registered and recognized national equestrian federation in South Africa, and in addition is a member of SASCOC (*South African Sports Confederation and Olympic Committee*), and is further regulated by the DBE and SRSA.

### 8. AIMS AND OBJECTIVES

SANESA shall have the following aims and objective:

- 8.1 to promote competitive equestrian sport for all participating learners in the Republic of South Africa, through development, participation and the striving for excellence in achievement within the school sport structure, in accordance with the educational principles as laid down by DBE, SRSA and, SASCOC.
- 8.2 to administer, develop, co-ordinate and promote equestrian school sport in which learners take part on a non-professional basis;
- 8.3 to achieve the equal standing of equestrian disciplines with other school sports.
- 8.4 to realise the involvement of as many learners, including previously disadvantaged and disabled learners as possible, in equestrian sport within all schools in South Africa
- 8.5 in respect of the rules and regulations applicable in equestrian sport, as made available through the offices of the SAEF, to consider, adapt and adopt such rules and regulations in a manner to ensure that they comply with sound educational principles and the requirements of the DBE .
- 8.6 to initiate, negotiate, arrange, finance and control internal and external tours and events, specifically for equestrian school sport within, to and from the Republic of South Africa.

- 8.7 to settle disputes between its members or bodies or persons connected directly or indirectly with equestrian sport in schools within the jurisdiction of SANESA.
- 8.8 to raise and administer the funds of SANESA in such a manner as SANESA may deem advisable and in particular by means of subscriptions, donations, grants and sponsorships.
- 8.9 adopting and enacting such measures, which, in the opinion of the SANESA will promote and encourage the provision of equestrian school sport facilities;
- 8.10 to distribute monies to its members for the protection, promotion and advancement of equestrian sport at school levels.
- 8.11 establish, develop and implement all necessary strategic and operational systems, processes and mechanisms to achieve and carry out the mandate, aim, roles, responsibilities and powers of SANESA as set forth in this Constitution;
- 8.12 promote the implementation of equestrian sport at school level and work in partnership with education role-players to realise this;
- 8.13 to support the fundamental right and freedom of individuals and groups to participate in sport of their choice, including equestrian school sport;
- 8.14 the opportunity for participation in equestrian school sport shall be made available to all learners who have the ability to participate in this sport;
- 8.15 the equality of opportunities in equestrian school sport regardless of race, colour, creed or gender;
- 8.16 the acceptance of the involvement of the parents, teachers, pupils, education authorities, private sector, sport bodies, schools and individuals in equestrian school sports;
- 8.17 the promotion of equestrian sport in primary and secondary schools levels;
- 8.18 to enforce and support School Sport principles which include: integrity; inclusivity; excellence; respect; fair play; quality delivery; professionalism; ethics; accessibility; capacity development and social cohesion, including norms and values as enshrined in the constitution of the Republic of South Africa;
- 8.19 assist with the identification of high performing equestrian talent;
- 8.20 to recognize and accept the jurisdiction, rules and regulations of the South African Institute for Drug-Free Sport ("SAIDS), as well as the code of the World Anti-Doping Agency ("WADA").

## 9. FOUNDER MEMBERS AND SANESA DISCIPLINES

- 9.1 It is recorded that the Founding Disciplines of SANESA are the:-
  - 9.1.1 Schools' Dressage
  - 9.1.2 Schools' Endurance
  - 9.1.3 Schools' Equitation
  - 9.1.4 Schools' Jumping
  - 9.1.5 Schools' Disabled Riding
  - 9.1.6 Schools' Performance Riding
  - 9.1.7 Schools' Working Riding
  - 9.1.8 Schools' Working Hunter



- 9.1.9 Schools' Western Riding
  - 9.1.10 Schools' Saddle Seat
  - 9.1.11 Schools' Barrel Vaulting
  - 9.1.12 Schools' Vaulting
  - 9.1.13 School's Prix Caprilli
- 9.2 It is further recorded that "Core League Disciplines" shall refer to:
- 9.2.1 Dressage
  - 9.2.2 Equitation
  - 9.2.3 Show Jumping
  - 9.2.4 Showing
- 9.3 Reference to "Additional Disciplines" shall refer to all other disciplines, and any further disciplines added thereto from time-to-time, and which are not included in Core League Disciplines as set out in 9.2 above, and which are set out in Article 17 of the SANESA By-Laws.
- 9.4 Before a new Additional Discipline is added to the SANESA code of disciplines, the SANESA National Executive will appoint a National Co-ordinator for that discipline, who may be co-opted onto the SANESA National Council, for the specific purpose of developing the rules and regulations for that particular discipline within the SANESA structures, and to develop that discipline within the Provincial and Regional Structures. It is recorded that the SANESA National Executive will liaise with the relevant technical committee of the SAEF in the development of the discipline, and more particularly in respect of the technical aspects of the discipline.
- 9.5 Should a new Additional Discipline fail to develop traction within the SANESA Provinces or Regions within a period as set out in Article 17 of the SANESA By-Laws, and which in the opinion of the SANESA National Council does not warrant the continued offering of that discipline within SANESA, that discipline shall be discontinued within SANESA.

## 10. **LEGAL PERSONALITY**

- 10.1 SANESA shall be a *universitas* with a full legal personality including the rights to sue and be sued in its own name and to hold property in its own name.
- 10.2 No member or office bearer of SANESA shall have any right to its assets nor incur any liability for its obligations.
- 10.3 No member or office bearer of SANESA shall incur any personal liability in respect of any of the obligations, financial, legal or otherwise, of SANESA.

## 11. **APPLICATION of THE PROVISIONS of THE NONPROFIT ORGANISATIONS ACT, 1997 AND THE INCOME TAX ACT NO 58 OF 1962**

The following provisions, in addition to any provisions which may be dealt with elsewhere in this Constitution, of the Nonprofit Organisations Act, 1997, as amended (the "NPO Act"), and the Income Tax Act No 58 of 1962 (the "Income Tax Act") shall at all times apply and be adhered to while this constitution is in operation:

### 11.1 Body Corporate

SANESA shall:

- 11.1.1 exist in its own right, separately from its members;
- 11.1.2 continue to exist even when its membership changes and there are different office bearers;
- 11.1.3 be able to own property and other possessions; and
- 11.1.4 be able to sue and be sued in its own name; and
- 11.1.5 carry out its aims and objectives in a non-profit manner, with an altruistic and/or philanthropic intent.

### 11.2 Management

- 11.2.1 Fiduciary Responsibility for SANESA shall be jointly and severally born by the President, Vice President and National Chairperson of the Organisation, who shall not be connected persons;
- 11.2.2 In light of the Structure of SANESA, it is recorded that no single person holding any office within SANESA, at any level of the structure, shall control the decision making powers of SANESA, whether directly or indirectly.

### 11.3 Income and Property

- 11.3.1 SANESA shall keep a record of everything it owns.
- 11.3.2 SANESA may not give any of its money or property to its members or office bearers provided that a member or office bearer may be paid a reasonable amount for work done for SANESA by such member or office bearer, the necessary approvals having been obtained. No remuneration paid to any employee, office bearer, member or other person shall be excessive, having regard to what is generally considered reasonable in the sector and in respect of the service rendered, and such remuneration shall not economically benefit any person which is not consistent with SANESA's aims and objectives.
- 11.3.3 A member of SANESA shall only be reimbursed for expenses as such member has paid out for or on behalf of SANESA upon presentation of relevant documentation.
- 11.3.4 No funds will be distributed to any person other than in the course of fulfilling its aims and objections and/or in the course of delivering a public benefit activity.

### 11.4 Finance

- 11.4.1 No activity of SANESA shall directly or indirectly promote the economic self-interest of any fiduciary, employee or office-bearer of SANESA otherwise than by way of reasonable remuneration for the services provided;
- 11.4.2 SANESA accounting records and reports must be prepared, approved and signed off by the duly appointed accounting officer, as set out in Article 1 of the SANESA By-Laws, and shall be submitted to the Director of Nonprofit Organisations within 6 (six) months of the financial year-end of SANESA.
- 11.4.3 The operational requirements in respect of the National, Regional and Provincial budgets are set out in Article 1 of the SANESA By-Laws.

- 11.4.4 The National Treasurer will finalise the overall financial statements for SANESA by August each year to be delivered to the duly appointed Accounting Officer.
- 11.4.5 All approved financial records of the previous financial year shall be available for inspection by a Member at the National Office during office hours, with the necessary arrangements in terms of Article 1 of the SANESA By-Laws.
- 11.4.6 SANESA shall not be party to, nor shall it knowingly permit (or shall have permitted) itself to be used as part of any transaction, operation or scheme in respect of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Income Tax Act or any other Act administered by the Commissioner.
- 11.4.7 No resources will be used, directly or indirectly, to support, advance or oppose any political party.
- 11.5 Donations Received**
- 11.5.1 SANESA shall not accept any donation which is revocable at the instance of the Donor for reasons other than SANESA's material failure to conform with designated purposes and/or conditions of such donation, including any misrepresentation with regard to the tax deductability thereof in terms of s18A of the Income Tax Act.
- 11.5.2 A Donor (save for another public benefit organisation, institution, board or body which is exempt from tax in terms of s10(1)(cA)(i) of the Income Tax Act and which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions to such donation which could enable such Donor or any connected person in relation to such Donor to derive some direct or indirect benefit from the application of such donation.
- 11.6 Minutes and inspection**
- 11.6.1 The SANESA NEC shall ensure that all resolutions of SANESA, proposed and passed at AGM's and/or General Meetings are recorded in a register (*written and/or electronic*) provided for that purpose, and are available for scrutiny by any member of SANESA as may be requested.
- 11.6.2 Detailed minutes must be kept of all AGMs, General Meetings, SANESA NEC Meetings, sub-committee or task team meetings, Provincial and Regional Committee Meetings.
- 11.6.3 The operational requirements in respect of minutes of all SANESA meetings are set out in Article 2 of the SANESA By-Laws.
- 11.7 Indemnity**
- 11.7.1 No member or office bearer of SANESA shall have any right to SANESA's assets nor incur any liability for its obligations.
- 11.7.2 The office bearers of SANESA are indemnified against all losses, charges, costs, damages and all other expense and liability they may incur or be put to concerning the bona-fide execution of their duties as office bearers of SANESA.

## 11.8 Dissolution

Upon the dissolution of SANESA, the remaining assets of SANESA shall be transferred to either:

- 11.8.1 Another public benefit organisation, which has been approved in terms of s30 of the Income Tax Act), with similar aims and objectives as those of SANESA; or
- 11.8.2 Another institution, board or body which is exempt from the payment of income tax in terms of s10(1)(cA)(i) of the Income Tax Act, which has as its sole or principal object the carrying on of any public benefit activity which is similar with the aims and objectives as those of SANESA; or
- 11.8.3 Any department of state or administration in the national, provincial or local sphere of government of South Africa contemplated in s10(1)(a) or (b) of the Income Tax Act.

## 12. GOVERNANCE of SANESA

12.1 The following constitutes the overall governance structures and systems of SANESA and are the key principles and values underpinning the governance of SANESA:

- 12.1.1 To operate in a transparent and accountable manner.
- 12.1.2 To be legally compliant and implement good governance principles and practices.
- 12.1.3 To promote, support and uphold fairness and rule of healthy competition.
- 12.1.4 To contribute to transformation of the sport development sector in terms of race and class status.

## 12.2 Conflict of Interest

- 12.2.1 To prevent “conflict of interest” as far as possible, a committee member will be precluded from taking part in any discussions in respect of, or being involved in any decision making process, in respect of any matter out of which they, or any family member, business associate, or any business or association in which they, or any family member may have a financial interest or derive a benefit, whether financial or not, and whether such interest or benefit is direct or indirect, may gain financial benefit or any other benefit.
- 12.2.2 At the commencement of all meetings of SANESA, and as the first order of business, whether at SANESA NC, SANESA NEC, Provincial or Regional level, all committee members serving SANESA shall be obliged to disclose and sign a declaration of “No Conflict of Interest”. Such declaration shall form part of all agendas of any meetings, and shall be kept by the National Secretary for a period of the member’s terms of office.
- 12.2.3 Should the office bearer have a conflict of interest in any matter on the agenda, he/she shall not be entitled to remain in the meeting room during the committee’s deliberation of the item to which the conflict of interest refers.
- 12.2.4 In the event of a dispute as to a conflict of interest:
  - 12.2.4.1 at a Regional Level, the decision of the relevant Provincial Committee shall be final and binding;

- 12.2.4.2 at a Provincial level, the decision of the SANESA National Executive decision shall be final and binding;
- 12.2.4.3 at a National level, the decision of the SANESA NC shall be final and binding.
- 12.2.5 Proceedings that involve someone in respect of whom an objection has been raised, will be considered to be null and void.
- 12.2.6 In the event that an elected or co-opted committee member is the owner, an employee or in any other way financially invested with a show-holding body at which venue any SANESA shows may be held, such committee member shall be precluded from being part of, participating in or being present at any discussions or decision making in respect of any venue related issues to be dealt with by the committee.
- 12.2.7 In the event that more than one member of a family is elected onto or co-opted onto any committee structure of SANESA at any level, this shall comprise a conflict of interest in terms of this clause, and only one member of the family shall be entitled to have a vote in respect of any matter to the exclusion of the other family members, and this conflict of interest shall be declared in terms of the provisions of clause 12.2.2 above, and shall expressly be subject to the provisions of clause 12.2.5 above. For the purpose of this clause, such conflict in respect of family relationships shall include, but not be limited to:
- 12.2.7.1 spouses, life partners;
- 12.2.7.2 children, step-children;
- 12.2.7.3 siblings and half-siblings;
- 12.2.7.4 parents and in-laws.

### 12.3 Code of Conduct

- 12.3.1 Every elected, co-opted or appointed member of any of SANESA's committees, whether at Regional, Provincial or National level, shall be required to sign and accept the SANESA Committee Member Code of Conduct applicable at the time prior to being entitled to take up their position within any such committee.
- 12.3.2 In the event that a Committee Member refuses to sign such Code of Conduct, they shall be relieved of their duties within SANESA, and shall not be entitled to be involved in any manner, whether directly or indirectly, with the business of SANESA.
- 12.3.3 In the event that any individual participates within the committee structure of SANESA without having signed the Code of Conduct, they shall be liable to face a disciplinary process.

## 13. STRUCTURE of SANESA

The structure of SANESA will be as follows, subject to the guiding requirement that for all elected committee structures within the organisation, whether at Regional, Provincial or National level, that no more than 50% of the membership of each such committee shall be

replaced at each Annual General Meeting for that committee by voting, in order to ensure continuity of the structures:

### 13.1 THE SANESA NATIONAL COUNCIL

- 13.1.1 The SANESA National Council (“SANESA NC”) will be made up of the Chairpersons (*or another Provincial committee member nominated by that committee*) of each of the Provincial SANESA Committees and the Council President.
- 13.1.2 The Council President will be voted for at the National Annual General meeting as per the prescribed way stated under clause 16 hereof.
- 13.1.3 The SANESA NC will be responsible for the policymaking, rules and regulations, liaison with relevant Government structures, Equestrian Federations, SAEF and international matters.
- 13.1.4 The SANESA NC will meet at least twice (but not limited thereto) annually and will be chaired by the Council President.
- 13.1.5 The first SANESA NC meeting of the newly elected SANESA NC shall be held directly after the National Annual General Meeting.
- 13.1.6 The SANESA NC will approve the annual budget and determine the National levy to be implemented by the SANESA Executive Committee, at the first SANESA NC meeting.
- 13.1.7 The Council President (*or another SANESA NC member nominated by the President*) will represent SANESA on the SAEF or any other relevant structure.
- 13.1.8 The SANESA NC may co-opt additional members for specific projects (with voting power on the particular project only), should they deem it necessary, who will not have voting rights in respect of any other SANESA NC matters.
- 13.1.9 Co-opted members may remain on the SANESA NC until the next National Annual General Meeting, at which their position must be confirmed or terminated.
- 13.1.10 The provisions of clause 12 above, dealing with governance and conflict of interest, shall apply to all meetings of this committee.
- 13.1.11 **The powers and duties of the SANESA NC:**
- 13.1.11.1 The powers and duties of the SANESA NC are generally to make the policies, rules and regulations governing the various disciplines on offer within SANESA, and to determine the procedures and processes to be followed therein.
- 13.1.11.2 The powers and duties of the SANESA NC are set out in Article 3 of the SANESA By-Laws.

### 13.2 THE SANESA NATIONAL EXECUTIVE COMMITTEE

- 13.2.1 The SANESA National Executive Committee (“SANESA NEC”) will be made up of a maximum of 6 persons, but no less than 2 persons, plus a chairperson elected at the

National Annual General Meeting as per the prescribed way as stated under Clause 16.2 hereof.

- 13.2.2 In the event that the SANESA NEC is affected by the resignation of elected members, the remaining members of the SANESA NEC may co-opt members onto the SANESA NEC, for the intervening period until the next National Annual General Meeting, at which the vacant positions shall be open for nominations and elections in terms of the provisions of Article 7.2 of the SANESA By-Laws.
- 13.2.3 In the event that the SANESA NEC has fewer than 2 members, the SANESA NC shall immediately call a Special General Meeting, in terms of Clause 17 of the Constitution, with the specific purpose of nominating and electing new members to the SANESA NEC. The election of these members at the Special General Meeting shall be in accordance with Article 9.1 of the SANESA By-Laws, it being specifically recorded that the 24 months of the term in office for these members shall be calculated from the date of the very next National Annual General Meeting convened after the date of the Special General Meeting.
- 13.2.4 The SANESA NEC will report regularly to the SANESA NC and will be responsible for the day-to-day activities of SANESA.
- 13.2.5 The SANESA NEC will implement national policies and programs for equestrian school sport as presented by the SANESA NC;
- 13.2.6 It is specifically recorded that the SANESA NEC shall have no right to override a validly taken decision at any Provincial or Regional Committee level, unless there is a dispute in respect of any such decision;
- 13.2.7 Ensure that effective and accountable management of equestrian school sport is maintained.
- 13.2.8 The SANESA NEC shall elect a Vice-chairperson from its members.
- 13.2.9 The provisions of clause 12 above, and more particularly clause 12.2, dealing with governance and conflict of interest, shall apply to all meetings of this committee.
- 13.2.10 **The powers and duties of the SANESA NEC:**
- 13.2.10.1 To manage the business of SANESA and to exercise all powers which are necessary or conducive to the attainment of the sole and main objectives of SANESA as set out in clause 8.
- 13.2.10.2 The powers and duties of the SANESA NEC are set out in Article 4 of the SANESA By-Laws.

### 13.3 NATIONAL SECRETARY

- 13.3.1 The National Secretary, who, when deemed necessary by the SANESA NC, shall be appointed by the SANESA NC and employed by SANESA on such terms as it deems fit by the SANESA NC, shall be an *ex officio* member of the SANESA NC and SANESA NEC, but shall have no voting rights at any meetings.



- 13.3.2 The National Secretary shall be appointed on the basis of an agreement governed by the labour law, which agreement shall be set out in an Employment Contract, and which shall set out in detail the required Key Performance Areas identified by the SANESA NEC as the requirements for that position, and which may be amended from time-to-time, at the discretion of the SANESA NEC.
- 13.3.3 The National Secretary, under supervision of the SANESA NEC, will administer the National Office.
- 13.3.4 The National Secretary shall be responsible for implementing Resolutions of the SANESA NC and SANESA NEC in accordance with the Constitutional requirements.
- 13.3.5 The National Secretary shall organise and prepare all relevant documentation and attend all SANESA NC, SANESA NEC, Standing and Ad Hoc Committee Meetings, where possible.
- 13.3.6 The National Secretary shall be responsible for the management of the correspondence of the Association.

#### 13.4 NATIONAL TREASURER

- 13.4.1 The National Treasurer, who, when deemed necessary by the SANESA NC, shall be appointed by the SANESA NC and employed by SANESA on such terms as it deems fit by the SANESA NC, shall be an *ex officio* member of the SANESA NC and SANESA NEC, but shall have no voting rights at any meetings.
- 13.4.2 The National Treasurer shall be appointed on the basis of an agreement governed by the labour law, which agreement shall be set out in an Employment Contract, and which shall set out in detail the required Key Performance Areas identified by the SANESA NEC as the requirements for that position, and which may be amended from time-to-time, at the discretion of the SANESA NEC.
- 13.4.3 The National Treasurer shall be responsible for implementing all financial resolutions of the SANESA NC and SANESA NEC in accordance with the Constitutional requirements.
- 13.4.4 The National Treasurer shall be responsible for the operation of a basic financial management system including appropriate internal controls, protocols and audit process, and to ensure that SANESA remain in full compliance of its statutory obligations in respect of the applicable provisions of the Nonprofit Organisations Act, 1997, as amended, and the Income Tax Act No 58 of 1962.
- 13.4.5 In the event that a Bookkeeper, or other such operational person, is appointed by the SANESA NC, the National Treasurer shall have full managerial control of such employee.
- 13.4.6 Reporting of the financial affairs of SANESA to the SANESA NC and SANESA NEC on a regular basis and at the National AGM.
- 13.4.7 An Accounting Officer will be appointed, which appointment shall either be made or confirmed at the National Annual General Meeting, as per the requirements of the



NonProfit Organisations Act No. 71 of 1997, and will oversee the finalisation of the National Accounts by the National Treasurer.

- 13.4.8 In the event that a new Accounting Officer is to be appointed at the National Annual General Meeting, the National Treasurer shall ensure that a resume of the candidates for this position are circulated together with the Agenda for the meeting in sufficient time for the attendees at the meeting to be informed of the candidates respective qualifications, in order to make an informed decision at the meeting.
- 13.4.9 The SANESA NC will negotiate remuneration of the Accounting Officer.

### 13.5 THE SANESA PROVINCIAL COMMITTEE

#### 13.5.1 SANESA Provincial Committee (No Regions)

The SANESA Provincial committee in Provinces not yet competing within Regions will be made up of:

- 13.5.1.1 In respect of Core League Disciplines, no more than 6 persons, and no fewer than 2 members, plus a chairperson elected at the Provincial Annual General Meeting, as set out in Clause 16.3 below.
- 13.5.1.2 In respect of the Additional Disciplines, a committee representative, who shall be elected at the Provincial Annual General Meeting, as set out in Clause 16.3 below, and who shall be deemed to chair a sub-committee for that specific Additional Discipline.

#### 13.5.2 SANESA Provincial Committee (Regions)

In Provinces consisting of different Regions, the Provincial Committee shall comprise:

- 13.5.2.1 In respect of Core League Disciplines, the chairperson and vice-chairperson of each Region, and
- 13.5.2.2 In respect of the Additional Disciplines, all of the Regional committee representatives for that particular Additional Disciplines in each of the Regions in that Province will nominate one of their number to represent that Additional Discipline on the Provincial Committee;
- 13.5.2.3 The Chairperson and vice-Chairperson of the Provincial Committee, operating with Regions, will be elected from among the members of this committee, and will be elected by the Provincial committee members
- 13.5.2.4 No co-opted members may be elected as a Chairperson or vice-Chairperson of the Provincial Committee operating in Regions.
- 13.5.3 The SANESA Provincial committee will report regularly to the SANESA NEC and will be responsible for the day-to-day activities of SANESA at Provincial level.
- 13.5.4 The SANESA Provincial committee will implement national policies and programs for equestrian school sport as presented by the SANESA NC and directed by the SANESA NEC;
- 13.5.5 Ensure that effective and accountable management of equestrian school sport is maintained.

- 13.5.6 The SANESA Provincial committee may co-opt additional members:
- 13.5.6.1 in terms of Article 9.1.5 of the SANESA By-Laws, where members step-down or resign from the Provincial Committee (No Regions) mid-term;
  - 13.5.6.2 for specific projects (only with voting power on the particular project) should they deem it necessary, who will not have voting rights and may not be elected as the Chairperson or Vice-Chairperson;
- 13.5.7 in those Provinces which do not consist of different Regions, members may be co-opted as a sub-committee member for each of the Additional Disciplines represented on the Provincial Committee, which sub-committee shall enjoy the powers and duties as set out in 13.5.11 below in respect of that specific Additional Discipline only, and which sub-committee members shall enjoy voting rights only in respect of matters being dealt with by that specific sub-committee in respect of that specific Additional Discipline.
- 13.5.8 The provisions of clause 12 above, dealing with governance and conflict of interest, shall apply to all meetings of this committee.
- 13.5.9 A committee member who is an owner, an employee or in any other way financially invested with a show-holding body at which venue any SANESA shows may be held may not be the SANESA Provincial Chairperson or Vice Chairperson.
- 13.5.10 In the event of any of the persons referred to in 13.5.1 and 13.5.2 having a conflict of interest in the respect of any matter before the Provincial committee then such person is required to recuse himself or herself from the matter under discussion and shall not be entitled to be present or participate or vote on the matter in question (ie. any party being a venue owner or having a direct or indirect interest in the subject matter).
- 13.5.11 **The powers and duties of the SANESA Provincial Committee shall be:**
- 13.5.11.1 To manage the business of SANESA at Provincial and/or Regional level and to exercise all powers which are necessary or conducive to the attainment of the sole and main object of SANESA as set out in this document.
  - 13.5.11.2 The powers and duties of the SANESA Provincial Committees are set out in Article 5 of the SANESA By-Laws.

## 13.6 THE SANESA REGIONAL COMMITTEE.

- 13.6.1 The **SANESA Regional committee** will be made up of:
- 13.6.1.1 In respect of Core League Disciplines, no more than 6 persons, and no fewer than 2 members, plus a chairperson elected at the Regional Annual General Meeting as per the prescribed way as set out in Clause 16.3 below;
  - 13.6.1.2 a committee representative for each of the Additional Disciplines, who shall be elected at the Regional Annual General Meeting as per the prescribed way as set out in Clause 16.3 below, and who shall then form

part of the Provincial Sub-Committee for that specific Additional Discipline as provided for in Clause 13.5.2.2, and which sub-committee members shall enjoy voting rights only in respect of matters being dealt with by that specific sub-committee in respect of that specific Additional Discipline;

- 13.6.2 The SANESA Regional committee will report regularly to the SANESA Provincial committee and will be responsible for the day-to-day activities of SANESA at Regional level.
- 13.6.3 The SANESA Regional committee will implement national policies and programs for equestrian school sport as presented by the SANESA NC and directed by the SANESA NEC;
- 13.6.4 Ensure that effective and accountable management of equestrian school sport is maintained.
- 13.6.5 The SANESA Regional committee may co-opt additional members in terms of Article 9.1.5 of the SANESA By-Laws or for specific projects (only with voting power on the particular project) should they deem it necessary, who will not have voting rights and may not be elected as the chairperson or vice-chairperson.
- 13.6.6 The Regional Committee shall elect a vice-chairperson from its members and may not consist of a co-opted member.
- 13.6.7 The provisions of clause 12 above, dealing with governance and conflict of interest, shall apply to all meetings of this committee.
- 13.6.8 In the event of any of the persons referred to in 13.6.1 having a conflict of interest in the respect of any matter before the Provincial committee then such person shall recuse himself or herself from the matter under discussion and shall not be entitled to be present or participate or vote on the matter in question (ie. any party being a venue owner or having a direct or indirect interest in the subject matter).
- 13.6.9 **The powers and duties of the SANESA Regional Committee shall be:**
- 13.6.9.1 To manage the business of SANESA at Regional level and to exercise all powers which are necessary or conducive to the attainment of the sole and main object of SANESA as set out in this document.
- 13.6.9.2 The powers and duties of the SANESA Regional Committees are set out in Article 6 of the SANESA By-Laws.

## 14. NOMINATION PROCEDURES

### 14.1 PROVINCIAL AND REGIONAL COMMITTEES

- 14.1.1 Voting for above-mentioned committees will take place by the end of October of each season at a Regional or Provincial AGM.
- 14.1.2 The nomination procedure is set out in Article 7.1 of the SANESA By Laws.

## 14.2 SANESA NEC CHAIRPERSON AND SANESA NEC

- 14.2.1 SANESA Provincial committees and the retiring SANESA NEC wishing to nominate candidate/s for election to the SANESA NEC Chairperson and SANESA NEC shall submit their nomination/s on the official nomination form/s to the National Office at least ten (10) calendar days prior to the National Annual General Meeting and the proposer and the nominee shall sign such nomination form/s.
- 14.2.2 The nominated candidate shall simultaneously indicate by signing the nomination form that he/she accepts such nomination.
- 14.2.3 No Province shall be entitled to nominate more than two (2) nominees, either for the position as SANESA NEC Chairperson or SANESA NEC Member, in order to ensure that no Province will be in a position to dominate the SANESA NEC.
- 14.2.4 Any nomination not complying with the procedure set out in clause 14.2.1, 14.2.2 and 14.2.3 above, as well as the SANESA By-Laws, read together with the policies of SANESA, shall be null and void and be disregarded by the National Office.
- 14.2.5 The nomination procedure is set out in Article 7.2 of the SANESA By Laws.

## 14.3 SANESA NATIONAL COUNCIL PRESIDENT

- 14.3.1 SANESA Provincial committees and SANESA NEC wishing to nominate candidate/s for election to the SANESA National Council President (“Council President”) shall submit their nomination/s on the official nomination form/s to the National Office at least ten (10) calendar days prior to the National General Meeting and the proposer and the nominee shall sign such nomination form/s.
- 14.3.2 The nominated candidate shall simultaneously indicate by signing the nomination form that he/she accepts such nomination.
- 14.3.3 Any nomination not complying with the procedure set out in clause 14.3.1 and 14.3.2 above, as well as the SANESA By-Laws, read together with the policies of SANESA, shall be null and void and be disregarded by the National Office.
- 14.3.4 Only a person, who has served for a period of at least four (4) years on any of the Regional, Provincial or National structures of the organisation, during which period such person shall have served as a Chairperson or Vice-chairperson for at least two (2) years, shall qualify to stand for Council President of the SANESA NC.
- 14.3.5 The nomination procedure is set out in Article 7.3 of the SANESA By Laws.

## 15. MEETINGS of SANESA

### 15.1 Regional Annual General Meeting

- 15.1.1 In a Province operating with Regions, a Regional Annual General Meeting in each of the operating Regions must be held in sufficient time in order for the Provincial AGM to be held before the 31 October in each year.
- 15.1.2 The procedures to be followed for the holding of the Regional Annual General Meeting are set out in Article 8.1 of the SANESA By-Laws.

- 15.1.3 Should any Regional Annual General Meeting have been properly convened but no quorum is present after thirty minutes, the meeting shall stand adjourned to another date, which shall be within seven (7) calendar days thereafter. The adjournment of such meeting will be deemed as sufficient notice reflecting such adjournment. At such a reconvened meeting, the members then present shall be deemed to constitute a quorum.

## 15.2 Provincial Annual General Meeting

- 15.2.1 All Provincial AGMs must be held before the 31 October in each year.
- 15.2.2 The procedures to be followed for the holding of the Provincial Annual General Meeting are set out in Article 8.1 of the SANESA By-Laws.
- 15.2.3 Should any Provincial Annual General Meeting have been properly convened but no quorum is present after thirty minutes, the meeting shall stand adjourned to another date, which shall be within seven (7) calendar days thereafter. The adjournment of such meeting will be deemed as sufficient notice reflecting such adjournment. At such a reconvened meeting, the members then present shall be deemed to constitute a quorum.

## 15.3 National Annual General Meeting

- 15.3.1 The National Annual General Meeting of SANESA shall be held within 11 (eleven) months after the financial year-end.
- 15.3.2 The SANESA NC will attend this meeting with voting power. Any member school may participate in the debate and/or discussions, but will have no voting power.
- 15.3.3 No business shall be transacted at any National Annual General Meeting unless a quorum is present.
- 15.3.4 Should any National Annual General Meeting have been properly convened but no quorum is present after thirty minutes, the meeting shall stand adjourned to another date, which shall be within seven (7) calendar days thereafter. The adjournment of such meeting will be deemed as sufficient notice reflecting such adjournment. At such a reconvened meeting, the members then present shall be deemed to constitute a quorum.
- 15.3.5 The procedures to be followed for the holding of the National Annual General Meeting are set out in Article 8.2 of the SANESA By-Laws.

## 15.4 Adjournment of National Annual General Meeting

- 15.4.1 The Chairperson shall, if directed to do so by a properly constituted National Annual general meeting, adjourn the meeting to a place and time determined by the meeting. At such adjourned National Annual General Meeting, no business shall be transacted other than unfinished business remaining from the meeting which was adjourned.

15.4.2 Adjournment of the National Annual General Meeting constitutes fair and ample notice of the adjourned National General Meeting. Only in the event of a National Annual General Meeting being adjourned for a period of thirty (30) calendar days or more, shall notice of the adjourned meeting be required as for in the case of the original meeting.

15.4.3 The unintentional omission to give notice of an AGM to a core member, an associate member, SANESA NEC member or any person entitled to receive notice, shall not invalidate the proceedings at that National Annual General Meeting.

## 15.5 Casting Vote

At any official meeting of any of the SANESA structures, in the event of an equality of votes in respect of any matter properly set out on the agenda of that meeting, the Chairperson of that SANESA Committee shall be entitled to a casting vote.

## 16. ELECTIONS

### 16.1 SANESA NATIONAL COUNCIL PRESIDENT

16.1.1 The Council President shall be elected at the National AGM, which will be the first election held.

16.1.2 The election procedures for the election of the SANESA NC are set out in Article 9.2 of the SANESA By-Laws.

16.1.3 The term in office for the Council President will be forty eight (48) months.

16.1.4 He/she may be re-elected for an additional term.

16.1.5 No person may hold this position for more than three (3) consecutive, uninterrupted terms.

16.1.6 Should the position of Council President become vacant, the SANESA NC shall elect a new interim Council President from amongst its members and will co-opt an additional SANESA NC committee member to fill the vacant SANESA NEC position.

16.1.7 Such person/s shall hold office until the next National Annual General Meeting. Elections to fill vacancies should be held at the first National Annual General Meeting subsequent to the vacancy becoming available.

16.1.8 The person elected into the position of Council President shall be required to duly accept and sign the SANESA Committee Member Code of Conduct before taking up such position.

### 16.2 SANESA NATIONAL EXECUTIVE CHAIRPERSON and SANESA NATIONAL EXECUTIVE COMMITTEE MEMBERS

16.2.1 After election of the SANESA NC President, the SANESA NEC Chairperson will be elected in the same manner, followed by the SANESA NEC members.

- 16.2.2 The term in office for the SANESA NEC Chairperson and the SANESA NEC members will be forty eight (48) months, which shall commence at the close of the meeting in which the election has taken place.
- 16.2.3 They may be re-elected for an additional term.
- 16.2.4 No person may hold this position for more than three (3) consecutive, uninterrupted terms.
- 16.2.5 A nominated person who is not present at the meeting, may be elected to the SANESA NEC on condition that the nominated person or their proposer can table the nominated persons background and motivation for being elected to the SANESA NEC.
- 16.2.6 The election procedures for the election of the SANESA Executive Chairperson are set out in Article 9.3 of the SANESA By-Laws.
- 16.2.7 Should the position of Chairperson of the SANESA NEC become vacant, the SANESA NEC shall elect a new interim Chairperson from amongst its members and will co-opt an additional SANESA NEC member to fill the vacant SANESA NEC position.
- 16.2.8 Such person/s shall hold office until the next National Annual General Meeting. Elections to fill vacancies should be held at the first National Annual General Meeting subsequent to the vacancy becoming available.
- 16.2.9 All person/s elected or co-opted onto a position on the SANESA NEC shall be required to duly accept and sign the SANESA Committee Member Code of Conduct before taking up any such position.
- 16.2.10 For purposes of continuity, no more than 50% of the membership of the committee shall be, wherever practically possible, subject to election proceedings at any AGM, with the other 50% of the members of the committee remaining on for 50% of a term.
- 16.3 SANESA PROVINCIAL and REGIONAL COMMITTEE CHAIRPERSONS AND MEMBERS**
- 16.3.1 At the Annual General Meeting for either the Region or the Province, the first order of business shall be to elect the Chairperson for that committee in terms of the nominations received for that position, which are set out in Article 7.1 of the SANESA By-Laws, thereafter the members of the committee will be elected.
- 16.3.2 The election procedures for the election of the SANESA Provincial and/or Regional Committee Chairpersons and Members are set out in Article 9.1 of the SANESA By-Laws.
- 16.3.3 The term in office for both the Chairperson and these members will be twenty four (24) months.
- 16.3.4 They may be re-elected for additional term/s.
- 16.3.5 The Vice-Chairperson of either a Regional or Provincial Committee shall hold that position for 12 months, and a new Vice-Chairperson will be elected at the first Committee meeting for that Committee following the Regional or Provincial AGM.



- 16.3.6 All person/s elected or co-opted onto a position on a SANESA Provincial and/or Regional Committee shall be required to duly accept and sign the SANESA Committee Member Code of Conduct before taking up any such position.
- 16.3.7 For purposes of continuity, no more than 50% of the membership of the committee shall be, wherever practically possible, subject to election proceedings at any AGM, with the other 50% of the members of the committee remaining on remaining on for 50% of a term.

## 17. SPECIAL GENERAL MEETING

- 17.1 The SANESA NC and any person holding a Fiduciary position within the organisation as required in terms of clause 11.2.1, may convene a Special General Meeting (“SGM”) of the SANESA NC at any time it deems fit, provided that:
- 17.1.1 written notice of such SGM is given to the members specifying the date, time and location of the SGM to be held; and
- 17.1.2 that the date of the SGM shall not be less than seven (7) calendar days after the date of the notice convening the SGM.
- 17.2 The SANESA NC will convene a SGM within 30 calendar days of receipt of a request in writing signed by not less than 45% of active participating schools (members), alternatively if a request in writing is received signed by no less than two third majority of the SANESA NC, or a quorum of the SANESA NEC, or any of the fiduciary officers of SANESA as referred to in clause 11.2.1.
- 17.3 The notice convening the SGM will specify the business to be transacted at that meeting, as per the request for the SGM and only the item/s set out on the notice will be discussed at the meeting.
- 17.4 The minutes of any SGM shall be published within 15 calendar days from the date of the meeting.
- 17.5 **Adjournment of Special General Meeting**
- 17.5.1 The Chairperson shall, if directed to do so by a properly constituted SGM, adjourn the meeting to a place and time determined by the meeting. At such adjourned SGM, no business shall be transacted other than unfinished business remaining from the meeting which was adjourned.
- 17.5.2 Adjournment of the SGM constitutes fair and ample notice of the adjourned SGM. Only in the event of a SGM being adjourned for a period of 30 (thirty) days or more, shall notice of the adjourned meeting be required as for in the case of the original meeting.
- 17.5.3 The unintentional omission to give notice of an SGM to a core member, an associate member, SANESA NEC member or any person entitled to receive notice, shall not invalidate the proceedings of the SGM.
- 17.6 **Casting Vote**
- At any SGM of SANESA, in the event of equality of votes, the person chairing the meeting, who shall normally be the President, shall be entitled to a casting vote.



## 18. INSTRUCTIONS of SUB COMMITTEES

- 18.1 The SANESA NC and/or SANESA NEC shall have the power to instruct any SANESA committee to carry out such duties as the SANESA NC and/or SANESA NEC may deem to be in the interest SANESA and are within the terms of reference of that committee.
- 18.2 All matters dealt with by such committees shall be referred back to the SANESA NC and/or SANESA NEC, which shall not be bound by the decisions of such committees, but may accept, reject or alter the recommendations and/or decisions of such committees.
- 18.3 The SANESA Executive Committee will report back to the SANESA NC who's decisions and recommendations will be final and binding.

## 19. FINANCE

- 19.1 All financial administration, including preparation and submission of financial statements will be in accordance with and subject to the provisions of the Nonprofit Organisations Act No 71, 1997 and the Income Tax Act No 58 of 1962, particularly those express requirements as set out in Caluse 11 above.
- 19.2 The SANESA NEC will be responsible to the SANESA NC for the administration of all funds.
- 19.3 The National Treasurer shall, in accord with his/her duties and responsibilities as set out in Clause 13.4, assist the SANESA NEC.
- 19.4 All monies received on behalf of SANESA shall become the property of SANESA and forthwith be deposited in the bank to the credit of SANESA.
- 19.5 Funds received by SANESA shall be utilised to achieve the sole and main object of SANESA, which is to develop the sport investing only a portion in administrative costs.
- 19.6 Capital expenditure must be approved by the SANESA NEC and authorized by two (2) of the three (3) signatories as decided upon by the SANESA NC.
- 19.7 Non capital expenditure will need to be approved and authorized by one of the three (3) signatories as decided upon by the SANESA NC.
- 19.8 The National Treasurer shall submit to the SANESA NC financial statements and a budget for the new financial year/competition season and it shall be distributed to the members 5 (five) days prior to the National Annual General Meeting.
- 19.9 All NLDTF funds allocated to SANESA shall be disbursed strictly in accordance with the requirements of the SAEF, in its capacity as the manager of the NLDTF funds.
- 19.10 All monies received during the season, as "entry fees" will be paid into the National SANESA bank account.
- 19.11 Each Province and/or Region's funds will be accounted for separately.
- 19.12 SANESA NC will supply a detailed breakdown of the National Levy as annually decided by the SANESA NC.
- 19.13 In pursuit of SANESA's main objective, income will be generated by means of entry fees, grants and/or donations.

- 19.14 Applications for financial assistance of riders need to be on the required forms, meet the requirements as set out from time to time by the SANESA NC and submitted to the National Executive committee for approval.
- 19.15 The Non-profit Organisations Act, No. 71 of 1997 and the Income Tax Act No 58 of 1962, require strict financial management and controls. The requisite FINANCIAL PROTOCOLS AND CONTROLS that will apply throughout SANESA are set out in Article 10 of the SANESA By-Laws.
- 19.16 **Disciplinary**
- 19.16.1 Provincial and/or Regional committees failing to adhere to SANESA's Financial Controls and Protocols as stipulated above and additions to be added by SANESA NC from time to time, will be considered in breach of their mandates and disciplinary procedures will be instituted as decided by SANESA NC.
- 19.16.2 The SANESA NEC is responsible for the administration of all funds and has the right to take over the administration of any Province and/or Region's financial affairs should disciplinary action be taken against any such committee.
- 19.16.3 The Provincial and/or Regional Chairperson will be the ultimate person responsible.
20. **TRADING ACTIVITIES**
- 20.1 SANESA may not carry on any business, which involves ordinary trading operations in the commercial sense, speculative transactions, and dividend stripping activities or the letting of property on a systematic or regular basis.
- 20.2 SANESA may not participate in any business profession, or occupation of its Members, nor may it provide any financial assistance or any premises or continuous services or facilities to its Members for purposes of carrying out any business, profession or occupation of its Members.
21. **COMPETITORS and GENERAL COMPETITION STRUCTURE**
- 21.1 SANESA differentiates between Primary and High schools with various levels being offered in the various equestrian disciplines in both the High school and Primary school league.
- 21.2 Primary Schools will include riders that are *bona fida* learners, irrespective of their age, up to and including grade seven (7) of all schools registered with their relevant Education Departments.
- 21.3 High Schools will include riders that are *bona fida* learners, irrespective of their age, in grade eight (8) through grade thirteen (13) of all schools registered with their relevant Education Departments.
- 21.4 Equestrian school sport does not compete in age groups as is customary in other school sports. Instead competition structures are based on the learners' level of skill.
- 21.5 All classes offered for Primary School riders at any SANESA show shall be designed and built for ponies. Primary School riders competing on horses, together with their parents, guardians

- and instructors, are required to ensure that they are aware of the safety issues that may arise, and that they have trained their horse accordingly.
- 21.6 All classes offered for High School riders at any SANESA shows shall be designed and built for horses. High School riders competing on ponies, together with their parents, guardians and instructors, are required to ensure that they are aware of the safety issues that may arise, and that they have trained their pony accordingly.
- 21.7 The Area in which SANESA will operate is within the Provincial boundaries of the Republic of South Africa.
- 21.8 The Provinces and Regions will be as per the political Provincial map of South Africa, modified where circumstances dictate.
- 21.9 Learners will compete for their schools in the Province and/or Region in which their schools are situated and not where they live or where their horses are stabled.
- 21.10 The demarcated boundaries of other equestrian sporting codes are not necessarily applicable to SANESA.
- 21.11 To be eligible for participation in equestrian school sport competitions, riders must be *bona fide* learners of a registered school with the Department of Education (DBE) and that school must be registered with SANESA.

## 22. ENTRY FEES AND VENUE LEVIES

- 22.1 Entry fees and acceptable Venue Levies will be set by the SANESA NC.
- 22.2 The elements of the National levy per entry, together with the other various procedural issues dealing with entry fees are set out in Article 11 of the SANESA By-Laws.
- 22.3 **Venue Levies**
- 22.3.1 The venue levies set by the SANESA NC will be the maximum venue levies that SANESA will entertain from a Show Holding Body.
- 22.3.2 If a Region or Province requires to pay a venue levy in excess of the maximum amount set, they must apply, with motivation, to the SANESA NEC for approval, setting out the reasons therefore.
- 22.3.3 Should the SANESA NEC grant its approval in terms of Clause 22.3.2 above, it will only be applicable for the season/time for which it was approved.
- 22.4 **Entry Fees**
- 22.4.1 The SANESA NC will set both a maximum and a minimum entry fee that may be charged for any SANESA show, both for the Core League and Additional Disciplines.
- 22.4.2 If a Region or Province wants to charge an entry fee in excess of the maximum amounts, they must apply, with motivation, to the SANESA NEC for approval, setting out the reasons therefore. It will be required for the Region or Province making such application to show that the increased entry fee will not have a negative impact on the entry numbers for that Region or Province.

- 22.4.3 If a Region or Province wants to charge a lower entry fee than the prescribed minimum entry fee, they must apply, with motivation, to the SANESA NEC for approval, setting out the reasons therefore. It will be required for the region or province making the application for a lower entry fee to show that they will be able to run the proposed show at least at a breakeven.
- 22.4.4 Should the SANESA NEC grant its approval in terms of either Clause 22.4.2 or 22.4.3 above, it will only be applicable for the season/time for which it was approved.
- 22.5 SANESA NC will charge entry fees as agreed by the SANESA NC for all National and International competitions/championships.
- 22.6 Should a learner need financial assistance for entry fees for competitions, the relevant Financial Assistance application must be completed by the Provincial and/or Regional committee and submitted to the SANESA office for approval by the SANESA NEC.
- 22.7 Provincial and/or Regional committees may and are encouraged to do fundraising to assist in keeping the entry fees as low as possible. All fundraising monies need to be held in the SANESA bank account.
- 22.8 All sponsorships must adhere to the protocols set by the SANESA NEC, and which are set out in Article 18 of the SANESA By-Laws, and must be approved by the SANESA NEC.

## 23. **COMPETITIONS**

- 23.1 All Provinces and Regions must submit, along with their budgets, their preferred dates for their qualifiers for the following competition season.
- 23.2 Regional dates will be aligned with Provincial and National dates and these are preferably to be finalised, by end of November each year.
- 23.3 The relevant Regional and/or Provincial SANESA committees will do the allocation of venues once Expressions of Interest (EOI) forms have been submitted by interested venues.
- 23.4 Procedures in respect of the venue allocation in respect of all Regional and/or Provincial competitions are set out in Article 12 of the SANESA By-Laws.

## 24. **INTERPROVINCIAL AND INTER SCHOOL EVENTS**

- 24.1 No Inter-Provincial schools or Interschool events between teams of different national code associations shall be ridden without the written consent of SANESA.
- 24.2 A club and/or official and/or rider seeking authorisation to ride in an event referred to in clause 24.1 shall do so in writing to reach the National thirty (30) calendar days before the scheduled competition, failing which disciplinary measures will be instituted against the party concerned.

## 25. **EVENTS**

- 25.1 Events involving more than two local or national teams (clubs or representative teams) and teams from other national code associations, constituted at a schools level, may not take

place without the written approval by SANESA, and no member affiliated to SANESA or rider registered with such member may participate in such a schools event without the written consent of SANESA.

- 25.2 The request for approval shall be submitted to SANESA in writing at least two calendar months before the planned date for the event.
- 25.3 The request for approval shall be accompanied by a list of the riders who are planning to take part in the event and the event regulations.
- 25.4 Any breach of this Clause, by any affiliated member, shall attract sanctions and/or disciplinary measures.
- 25.5 No International event or competition shall take place without prior notice thereof having been given to the requisite bodies, ie. SAEF, SASCO or DBE.

## 26. COMPOSITION OF MEMBERSHIP

26.1 The Members of SANESA shall consist of the following:

26.1.1 Any School, inclusive of Government, Private, Special and Home Schools, as registered with their respective Departments of Education.

26.1.2 Although a school may be a combined Primary and High School, for the purposes of participation, they must register as two separate schools.

26.1.3 Home Schools may elect to combine as a singular group for competition purposes. In order to give effect to this, the affected Home Schools shall be required to submit an application, in writing, to the SANESA NEC, who shall consider the application, and make the appropriate decision. It is a prerequisite for such application that all the Home Schools fall within the same geographic location, and thus may legitimately compete in the relevant Region/Province. Home School Learners will compete for their schools in the Province and/or Region in which their schools are situated and not where they live or where their horses are stabled.

### 26.2 Requirements for Membership

26.2.1 No school shall be a member of SANESA if not registered with Department of Education

26.2.2 No learner in South Africa will be expected to be a full or temporary member of any Association, Club, Society or Federation, for a nominal fee or for free, as prerequisite to participate in Schools' Equestrian.

26.2.3 Schools will be charged a nominal affiliation fee when joining SANESA and affiliation fees and requirements will be in line with the DBE policy.

### 26.3 Rights of Member Schools

26.3.1 To participate in the Provincial and/or Regional committees of SANESA,

26.3.2 To receive notices and the agenda in advance of Annual General Provincial and/or Regional Meetings within the prescribed time and to exercise their voting rights.

26.3.3 To draw up proposals for inclusion in the agenda of the Provincial and/or Regional AGM's

- 26.3.4 To nominate candidates for Provincial and/or Regional Committees of SANESA to be elected and appointed at the Provincial and/or Regional AGM's.
- 26.3.5 To be informed of the affairs of SANESA through the official structures of SANESA.
- 26.3.6 To participate in competitions (wherever relevant) and other activities organized by SANESA.
- 26.3.7 To exercise all of the rights arising from the Constitution, Rules and Regulations of SANESA, subject to other provisions in this Constitution and applicable regulations.
- 26.4 Responsibility of Member Schools**
- 26.4.1 Learners, parents, teachers, instructors, officials, committee members, and employees shall respect the principles of loyalty, integrity and sportsmanship recognised by SANESA, SAEC, DBE, SASR and SASCOG and any relevant international governing body SANESA may be affiliated too
- 26.4.2 Member Schools are responsible for the conduct of their riders, officials and personnel, and supporters and any other person exercising an official function at an event or event sanctioned by the Member School or any of its affiliates.
- 26.4.3 Member Schools are obliged to ensure that they are represented at the Regional or Provincial Annual General Meeting, as may be appropriate, either in person by way of a duly nominated representative or alternatively by way of a Non-Voting Proxy form which must be submitted in accordance with the procedure laid down from time-to-time.
- 26.5 Suspension of Member Schools**
- 26.5.1 SANESA shall have the right to impose the suspension of members, their affiliates and officials / riders subject to a due process of the Disciplinary Committee.
- 26.5.2 A suspended member / affiliate / official shall temporarily lose his /hers/ its membership rights. Other members may not entertain any sporting or official contact with a suspended member.
- 26.5.3 SANESA shall recognise the suspension of members imposed at other levels of the organization, National Discipline Associations or SAEF.
- 26.6 Expulsion of Members**
- 26.6.1 SANESA may expel a member, its affiliate / official / rider if the Disciplinary Committee renders a verdict of repeated violations of the constitutional obligations and breaches of regulations, directives or decisions of SANESA, FEI and other International Governing Body, SAEF and SASCOG.
- 26.6.2 SANESA shall recognise the suspension of members imposed at other levels of the organization, National Discipline Associations or SAEF.
- 27. RIDERS**
- 27.1 All riders participating in a Competition of SANESA shall be *bona fide* learners of a member school before riding in any official schools equestrian event.

- 27.2 Save in cases involving fraud, corruption or a breach of sporting ethics on the part of a rider or the member school with which he/she has purportedly been registered, a particular member shall be deemed to have been properly registered with that member school
- 27.3 No rider may be registered with two member schools at the same time or with a school at which he/she is not a *bona fida* learner.
- 27.4 It has become necessary to introduce a Code of Conduct for riders, parents and instructors. No rider shall be able to enter to compete in any SANESA show unless the rider, parent and the instructor accept the SANESA Code of Conduct, which is published and available on the SANESA website, as amended from time-to-time.
- 27.5 Any breach of the respective Codes of Conduct will render the rider, parent or instructor liable to disciplinary processes.

## 28. AMENDMENTS

### 28.1 CONSTITUTION

28.1.1 This constitution and any regulation promulgated in terms hereof shall not be amended, rescinded or added to except at a National AGM or Special National General Meeting of SANESA.

28.1.2 Notice of the intention to amend, rescind or add to the Constitution or any regulation promulgated in terms hereof must, at either a National AGM or SGM, shall be posted on the National website 14 (fourteen) calendar days prior to the date fixed for the AGM.

28.1.3 For any amendment, rescission or addition to this constitution to be effective it shall require the support of two third majority of all persons present and entitled to vote at the meeting concerned.

28.1.4 All amendments to the Constitution will be posted on the website and circulated to all relevant SANESA Committees.

### 28.2 RULES AND REGULATIONS

28.2.1 The SANESA NEC shall be entitled to submit recommendations pertaining to amendments to the Rules and Regulations for consideration by the SANESA NC.

28.2.2 Any Rules and Regulations may be amended or repealed by a simple majority of votes cast at a general SANESA NC meeting.

28.2.3 The rules and regulations of SANESA shall be binding on the members and are in no way in conflict with the Constitution of SANESA and if so then the Constitution will apply.

28.2.4 All amendments to the Rules and Regulations will be posted on the website and circulated to all relevant SANESA Committees.

### 28.3 SANESA BY-LAWS

28.3.1 The SANESA NEC shall be entitled to submit recommendations pertaining to amendments to the SANESA By-Laws for consideration by the SANESA NC.



- 28.3.2 Any SANESA By-Laws may be amended or repealed by a simple majority of votes cast at a general SANESA NC meeting.
- 28.3.3 The SANESA By-Laws shall be binding on the members and are in no way in conflict with the Constitution of SANESA and if so then the SANESA Constitution will apply.
- 28.3.4 All amendments to the SANESA By-Laws will be posted on the website and circulated to all relevant SANESA Committees.

## 29. INDEMNITY

- 29.1 The SANESA NC is indemnified from and against all losses arising out of the execution of their duties and actions for and on behalf of SANESA, provided that such loss or damage is not occasioned by the negligence, default, breach of duty or breach of trust by such SANESA NC, Committee member or official.
- 29.2 It is specifically recorded that SANESA shall not be responsible for any debts of whatsoever nature incurred by any member as a consequence of such member entering into any contract with a third party in regard to any event organised or arranged by such member.
- 29.3 The SANESA NC will annually negotiate the Insurance for SANESA.

## 30. DISSOLUTION

- 30.1 SANESA shall be dissolved or resolve to merge with any other association having objectives similar to those of the Association at a National AGM of SANESA or at a National Special General Meeting called for that purpose by two thirds majority of those present and voting.
- 30.2 Upon dissolution, a public benefit organization or organisations approved in terms of section 30 of the Income Tax Act 50 of 1962 as amended and sharing some of the aims and objectives of SANESA to whom whatever property, capital and accrued income of SANESA remains upon the winding up or dissolution of SANESA, shall be distributed after satisfaction of all debts and commitments of SANESA and the proportions in which any such property, capital or accrued income shall be distributed to such organizations.

## 31. LIMITATION of LIABILITY

- 31.1 The liability of SANESA NC members is limited to the SANESA insurance cover. The officials of SANESA are indemnified against all losses, charges, costs, damages and all other expense and liability they may incur or be put to concerning the bona-fide execution of their duties as officials of SANESA.
- 31.2 Every member of the Association undertakes to contribute to the property of the Association if it is dissolved whilst he or she is a member or within one (1) year after he or she ceases to be a member for the payment of debts and liabilities of the Association (*contracted before he or she ceases to be a member*) and of the costs, charges and expenses of dissolution, such amount as may be required, not exceeding R5,00 (five rand).



**32. HORSE PASSPORTS and INFECTIOUS DISEASES**

32.1 It is the law that all equines need official equine passports or recognised identity documents when being transported, even within the same area.

32.2 The requirements in respect of these matters is set out in Article 13 of the SANESA By-Laws.

**33. NATIONAL FLAG and NATIONAL EMBLEMS**

*(PROTEA & NATIONAL COAT OF ARMS)*

No rider/competitor may display on his person, horse, equipment or any other means, the South African flag or any other National emblem, National Coat of Arms or the emblem of the Protea, in any manner or format at any show/event of SANESA, except when expressly permitted by the relevant authorities and the SANESA NC.

**34. CODE of CONDUCT**

The SANESA Codes of Conduct are set out in Article 14 of the SANESA By-Laws.

**35. DISCIPLINARY PROCEDURES**

35.1 Any member, competitor, parent, teacher, chef d'Equipe, official, committee member, representative or instructor who contravenes this Constitution, the relevant Code of Conduct as set out in the SANESA By-Laws and/or any of the Rules or Regulations laid down by SANESA, is guilty of an offense and will be subjected to a disciplinary process.

35.2 The Disciplinary Procedures to be followed are set out in Article 15 of the SANESA By-Laws.

**36. DISPUTE RESOLUTION AND PREVENTION**

36.1 Every person (juristic or natural) falling under the jurisdiction of SANESA shall ensure that any dispute that it has with a body or individual falling under the jurisdiction of SANESA is resolved in accordance with the dispute prevention and resolution procedures set out in the Constitution, the SANESA By-Laws (Article 19) and the Rules and Regulations of SANESA.

36.2 Where no specific dispute prevention or resolution procedure is set out in the Constitution, the SANESA By-Laws or in the Rules or Regulations, or where any member or an affiliate of a member, or person prefers to, disputes may be referred directly to arbitration for resolution. It is specifically provided that where Regional members or its affiliates or a person opts for arbitration, a senior lawyer within the relevant Province may conduct such arbitration.

36.3 Subject to the Constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this Article, no body or individual falling under the jurisdiction of SANESA shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated to SANESA.

36.4 Any final appeal against any award, shall be heard by SASCOC.

**37. INTERPRETATION**

The interpretation of this SANESA Constitution, SANESA By-Laws and all Rules and Regulations made there under shall rest entirely with the SANESA NC, whose interpretation shall be final and binding on all SANESA structures and members.